

City of Connell, Washington

ORDINANCE NO. 907

AN ORDINANCE OF THE CITY OF CONNELL, WASHINGTON RELATING TO REGULAR PROPERTY TAXES; PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL ELECTION TO BE HELD NOVEMBER 8, 2011, OF A PROPOSITION AUTHORIZING THE CITY TO LEVY REGULAR PROPERTY TAXES IN EXCESS OF THE LIMITATIONS OF CHAPTER 84.55 RCW; AND SETTING FORTH THE TEXT OF THE BALLOT PROPOSITION; AND REPEALING ORDINANCE NO. 898.

WHEREAS, the City Council of the City of Connell, Washington (the “City”) has determined that it is in the interest of the City to establish a dedicated source of funding for the operation, maintenance, and additional improvement of City parks and recreation services and facilities; and

WHEREAS, RCW 84.55.050 provides for the levy of regular property taxes in an amount exceeding the limitations specified in Chapter 84.55 RCW if such increased levy is authorized by a ballot proposition approved by a majority of the voters at an election held within the taxing district (a “levy lid lift”); and

WHEREAS, the City Council has determined that it is in the best interest of the City and its residents to submit a levy lid lift proposition under RCW 84.55.050(1) to the voters for their approval or rejection; and

WHEREAS, the City Council approved Ordinance No. 898 authorizing the levy lid lift proposition to be placed before the City’s voters on the August 16th, 2011 Franklin County Primary Election Ballot, and it has become necessary to remove the proposition from said Ballot and place the levy lid lift measure before the City’s voters on the November 8th, 2011 Franklin County General Election Ballot;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CONNELL, WASHINGTON, do hereby ordain as follows:

Section 1. Repeal. Ordinance No. 898, authorizing the placement of a levy lid lift proposition before the City’s registered voters on the August 16th, 2011 Franklin County Primary Election Ballot is hereby repealed in its entirety.

Section 2. Calling of Election. The City Council finds that it is in the best interests of the City to submit to the qualified voters of the City, at the general election to be held on November 8, 2011 a proposition authorizing the City to increase its regular property tax levy for collection in 2012 by an amount greater than otherwise permitted under Chapter 84.55 RCW for the purposes described in Section 3(a). If this proposition is approved, the City Council will be authorized to adopt, in accordance with its regular budget process, an increased regular property tax as described in Section 3.

Section 3. Purpose and Description of Ballot Proposition (the "Proposition"). For the purposes identified below, the City Council seeks voter approval under RCW 84.55.050 for a levy lid lift, as follows:

(a) **Purpose.** The amounts collected pursuant to the increase authorized by the Proposition shall be used to pay for parks and recreation operations and capital improvements.

(b) **Increase Authorized in 2011.** The Proposition authorizes a maximum increase in the City's total levy rate to the maximum rate otherwise allowed for collection in 2012 under Chapter 84.55 RCW plus not to exceed \$0.40 per \$1,000 of assessed value. The total regular property tax rate produced is estimated to approximately \$2.92 per \$1,000 of assessed value, based on estimated 2011 assessed values.

(c) **Increase Authorized in Future Years.** Pursuant to RCW 84.55.050(4), the dollar amount of the maximum authorized levy under Chapter 84.55 RCW for collection in 2012 shall be used for the purpose of computing the limitations for subsequent levies provided for under Chapter 84.55 RCW, and such funds shall be limited to the purposes described in Section 3(a), above.

Section 4. Ballot Proposition. The Auditor of Franklin County, Washington (the "Auditor"), as *ex officio* supervisor of elections, is hereby requested to call and conduct an election in the City, in the manner provided by law, to be held on the date identified in Section 2, for the purpose of submitting to the voters of the City, a proposition in substantially the following form:

CITY OF CONNELL
PROPOSITION NO. 1

Levy for Parks and Recreation Operations and Capital Improvements

The City of Connell Council adopted Ordinance No. 907 asking voters to increase property taxes to finance parks and recreation operations and facility improvements. This proposition would increase the City's regular property tax levy by \$0.40 per

\$1,000 over the current levy of assessed valuation for collection beginning in 2012 and use the 2012 levy amount to recalculate subsequent levy limits. Should this proposition be:

___ Approved ___ Rejected

Section 5. Notices Relating to Ballot Proposition. For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the City Council hereby designates (1) the City Clerk-Treasurer and (2) legal counsel to the City, Kuffel, Hultgrenn, Klashke & Shea (Dan Hultgrenn, 509-545-8541, dhultgrenn@khkslaw.com) as the individuals to whom such notice should be provided.

Section 6. Authorization to Deliver Ordinance and Perform Other Necessary Duties. The City Clerk-Treasurer is authorized and directed, no later than August 16, 2011, to certify a copy of this ordinance to the Auditor and to perform such other duties as are necessary or required by law to the end that the Proposition described herein should appear on the ballot at the special election identified in Section 1 of this ordinance.

Section 7. Severability. The recitals stated above (i.e., the "Whereas" clauses) constitute specific findings by the City Council in support of passage of this ordinance. If any provision of this ordinance is declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be separable from the remaining provisions of this ordinance, and shall in no way affect the validity of the other provisions of this ordinance or of any other ordinance or resolution, or of the levy or collection of the taxes authorized herein.

Section 8. Publication and Effective Date. This ordinance shall take effect and be in force five days after publications as provided by law.

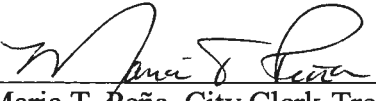
PASSED AND ADOPTED by the City Council of the City of Connell, Washington, and **APPROVED** by the Mayor this 21 day of June, 2011.


Garland D. Walton, Mayor

ORDINANCE NO. 907

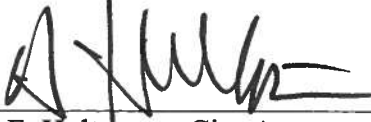
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ATTEST:



Maria T. Peña, City Clerk-Treasurer

APPROVED AS TO FORM:



Dan F. Hultgren, City Attorney

INTRODUCED: 6/20/11
ADOPTED: 6/20/11
APPROVED: 6/20/11
PUBLISHED: 6/30/11 in the Franklin County Graphic.